

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

ANTOINE VICTOR

:

VERSUS

: CIVIL ACTION NO.: 6:24-CV-00560

LAFAYETTE CONSOLIDATED  
GOVERNMENT, ET AL

: JUDGE SUMMERHAYS,  
MAG. JUDGE WHITEHURST

.....

**CONSENT JUDGMENT**

By agreement of counsel and considering the **Motion to Strike Penalty, Punitive, or Exemplary Damages** previously filed on behalf of LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT [**Court Doc. #4**];

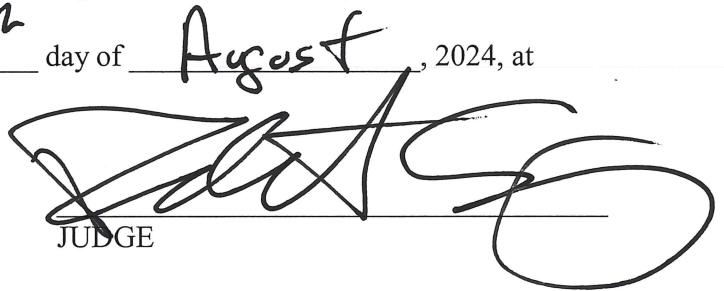
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the **Motion to Strike Penalty, Punitive, or Exemplary Damages** filed on behalf of LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT be and same is hereby **GRANTED**, and plaintiff's claims for Penalty, Punitive, and Exemplary Damages against LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT be and they are hereby **DISMISSED**, as there is no Louisiana state statute that allows for the recovery of punitive or exemplary damages in this matter, and that pursuant to *City of Newport v. Fact Concerts, Inc.*, 101 S.Ct. 2748 (1981), punitive damages cannot be recovered from LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, and that plaintiff's claims for such damages against LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT for punitive damages are dismissed as a matter of law.

Plaintiff reserves his right to seek punitive damages against Officer John Doe 1 and Officer John Doe 2 in their individual capacities should plaintiff ultimately prevail on his federal law claims under 42 U.S.C.A. §1983.

Otherwise, plaintiff is allowed to proceed, as prayed for in his original Complaint, against any and all other parties in their individual capacity, as plaintiff may be able to recover penalty, punitive or exemplary damages, should plaintiff ultimately prevail on his federal law claims under 42 U.S.C.A. §1983, or other federal law claims allowing such damages.

Counsel for plaintiff, Patrick J. Eskew, has given Joy C. Rabalais the authority to submit this proposed Consent Judgment with his electronic signature.

THUS DONE AND SIGNED this 5<sup>th</sup> day of August, 2024, at  
Lafayette, Louisiana.



JUDGE

**APPROVED AS TO FORM:**

**SUBMITTED BY:**

BORNE, WILKES & RABALAIS, L.L.C.

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